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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

KLAMATH-SISKIYOU WILDLANDS
CENTER, OREGON WILD, CASCADIA
WILDLANDS, and SODA MOUNTAIN
WILDERNESS COUNCIL,

Plaintiffs,

vs.

UNITED STATES BUREAU OF LAND
MANAGEMENT, and UNITED STATES FISH
AND WILDLIFE SERVICE,

Defendants.

Civ. Case No. 19-cv-01810-CL

**FIRST DECLARATION OF GEORGE
SEXTON**

I, GEORGE SEXTON, declare and state as follows:

1. I am the Conservation Director of the Klamath Siskiyou Wildlands Center (“KS Wild”), and I have worked for KS Wild since 2002. I am also a financial supporter and member of KS Wild. KS Wild is a registered non-profit corporation in Oregon and I serve as a full-time

employee.

2. I am a member of Oregon Wild, Cascadia Wildlands, and the Soda Mountain Wilderness Council. I regularly submit comments on behalf of these organizations to the BLM on federal land management proposals such as the North Landscape logging project that may impact wildlife, water quality, fire hazard, and other important natural resources.

3. KS Wild has approximately 3,500 members and 10,000 active supporters. Our members and supporters are interested in and support KS Wild's work to protect the forests of the Klamath-Siskiyou bioregion for their botanical, recreational, scientific, hydrological, and aesthetic values.

4. I often hike, camp, photograph, and explore the native mature forests in the Klamath Falls Resource Area of the Lakeview BLM District. I have definite plans to spend considerable time in the future using and enjoying native forests on public lands in the Klamath Falls Resource Area, including the area in and around the North Landscape Project that consists of native forests providing Northern spotted owl habitat within the Spencer Creek and Jenny Creek Watershed. I intend to visit forest stands within the Stag and Terminus timber sales found within the North Landscape Project Area regularly throughout the spring, summer, and fall of 2021 and 2022. I estimate that I have visited BLM forests in this planning area at least 10 times over the past 5 years.

5. I have visited and continue to visit these forests to appreciate the natural beauty and native biodiversity that are unique to native forests. The proposed logging on BLM-managed forestlands in the North Landscape Project Area will eliminate the forest character that I rely upon in my professional and personal capabilities. Exhibit A to my declaration is a photograph of an old growth forest stand in the North Project area along Spencer Creek. While this stand is not

proposed for timber harvest, it about 200 feet from a proposed unit and is emblematic of the type of forest that I use an enjoy and that is at risk from BLM's timber sale program. It is also very rare, because there is no comparable forest on nonfederal lands and very little remains on federal lands here. I declare that the photo is a true and accurate representations of what I observed this location on November 8, 2019.

6. I particularly value the native and mature forests in the Spencer Creek Watershed located within North Project Area. I appreciate this area because of the rarity of native, mature forests in the surrounding "checkerboard" private land ownership pattern and because of these forests' regional importance as habitat for rare Pacific fisher and threatened northern spotted owls.

7. The existence of intact forests that provide much-needed habitat for late-successional forest-associated wildlife species brings me great joy. Ensuring the continued existence and distribution of such species is of the utmost importance to me and has directly influenced much of my personal and professional life. My interest in intact forests and the species that rely on those forests for habitat would be directly harmed should the late-successional and mature trees targeted for logging be removed from the forest ecosystem.

8. The Pacific fisher became a primary focus of KS Wild's research and advocacy efforts very early in the history of the organization. KS Wild considers the fisher a key indicator species for the health of the Klamath-Siskiyou ecosystem, and we are alarmed by the species decline through its west coast range. We realized in the late 1990s that the west coast fisher would require additional protection in order to survive, and we subsequently decided to help lead the effort to list the population under the Endangered Species Act in 2000. For the past 20 years we have participated in listing petitions, provided technical comments on U.S. Fish and Wildlife Service documents concerning Pacific fishers, and successfully challenged Fish and Wildlife

Service attempts to evade its legal responsibility to protect the species. We have also provided technical comments to the Bureau of Land Management and Forest Service project planners concerning hundreds of proposed federal land management project in the Klamath-Siskiyou bioregion advocating for the retention of habitat benefiting Pacific fishers.

9. I intend to continue to spend as much time as possible in fisher habitat for both personal and professional reasons, including recreation and professional study. The drastically reduced range of this species means that the few remaining viable fisher populations on the West Coast are located along the Siskiyou Crest and the southern Oregon Cascade Mountain Range. The North Landscape timber sale project is located where these two Pacific fisher habitat types converge. I intend to spend at least 40 days in these two habitat zones in the coming year.

10. In addition to researching and advocating for fisher and Northern spotted owls in my work with KS Wild, I greatly enjoy hiking, snowshoeing, and sightseeing in fisher and spotted owl old growth habitat throughout the Klamath-Siskiyou region. I derive deep satisfaction from knowing that these species still live in these forests and contribute to the ecosystem functions and biodiversity that make the region so unique. This knowledge contributes to my appreciation for the forests of this region.

11. Pursuant to my job as KS Wild's Conservation Director, I have visited and commented upon several previous BLM timber sales in the headwaters of Jenny Creek and Spencer Creek in over the past 18 years. In all that time, this is the most aggressive attempt by the BLM to remove critical habitat for Northern spotted owls from the landscape that I have seen.

12. Exhibit B to my declaration is a photo of logging that occurred at the Sweet Vidalia timber sale, the first timber sale authorized and implemented under the North Landscape Project Revised Environmental Assessment. This photo shows the removal of a large fire-resilient tree in

the foreground, and the retention of small diameter second growth trees immediately behind the logged stump. While large fire-resilient trees are suitable habitat for northern spotted owls and Pacific fisher, the small diameter trees are not, and the small trees (and logging-created slash) create a wildfire hazard. I declare that the photo is a true and accurate representations of what I observed this location on November 8, 2019.

13. I have a professional and personal interest in retaining old-growth forests and habitat for threatened northern spotted owls on these BLM public lands. I will be significantly harmed if the BLM succeeds in the removal of old-growth forests providing habitat deemed to be “critical” to the survival and recovery of Northern spotted owl populations by the United States Fish and Wildlife Service (FWS).

14. A decision favorable to the plaintiffs in this case would require the BLM and FWS to accurately account for how the extensive harvest of spotted owl habitat (which is also used by Pacific fisher) affects the ability of this imperiled species to persist and recover. As I understand the best available science, spotted owl populations are in steep decline and retaining suitable habitat is essential to prevent the species from going extinct. BLM and FWS have disregarded their legal obligations to conserve this species in preparing and authorizing the North Project.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: October 28, 2020.

Respectfully submitted,

/s/ George Sexton
George Sexton

EXHIBIT A



BLM old-growth forests along Spencer Creek, approximately 200 feet from a North Landscape timber harvest unit.

EXHIBIT B



Harvest of large diameter fire-resilient tree at the Sweet Vidalia timber sale,
North Landscape planning area.